

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.)
)
RAMIZ HODZIC,)
)
Defendant.)

Case No. 4:15 CR 49 CDP
(DDN)

MOTION TO DISMISS THE INDICTMENT

Defendant Ramiz Hodzic through his attorney, Assistant Federal Public Defender Diane L. Dragan, moves to dismiss the indictment. In support of this motion he states:

1. Count I fails to satisfy Fed. R. Crim. P.'s criteria because it illogically and absurdly charges that defendants conspired to prepare to conspire.
2. The indictment fails to allege the mens rea required to establish a violation of 18 U.S.C. § 2339A by failing to specifically allege that he intended to aid an act that would constitute the offense of murder or maiming.
3. The indictment's failure to allege the correct mens rea requirement for Counts I and III is not only inconsistent with the statute, it violates the Constitution.

4. The indictment fails to satisfy Fed. R. Crim. P. 7 and 12 by failing to inform who it was that was the target of the conspiracy to murder and maim as well as the location, timing, and nature of the harm to be inflicted.

5. The separately filed memorandum in support of this motion is incorporated by reference.

WHEREFORE, Defendant Hodzic respectfully requests that the Court dismiss the indictment.

Dated December 8, 2015.

Respectfully submitted,

/s/Diane L. Dragan
Assistant Federal Public Defender
1010 Market Street, Suite 200
St. Louis, Missouri 63101
Telephone: (314) 241-1255
Fax: (314) 421-3177
E-mail: Diane_Dragan@fd.org

Attorney for Defendant Hodzic

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2015, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Assistant United States Attorney Matthew Drake.

/s/Diane L. Dragan